

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
Civil Action No. 4:21-cv-00032-BO

SHELLEY TUCKER, GUARDIAN AD
LITEM FOR MT, and
SHELLEY TUCKER, GUARDIAN AD
LITEM FOR NT,

Plaintiffs

v.

LIFE INSURANCE COMPANY OF
NORTH AMERICA,

Defendant.

**ORDER APPROVING MINOR
SETTLEMENT AND DISMISSAL OF
ACTION**

Minor Plaintiffs MT and NT, through their Guardian-Ad-Litem and undersigned counsel, and Defendant Life Insurance Company of North America (LINA), by and through their undersigned counsel, jointly moved this Court for an Order approving the settlement reached between the respective parties pursuant to Local Rule 17.1, and dismissing this action.

NOW, upon the joint motion of the respective parties, the Court finds as follows:

1. Ms. Shelley Tucker was appointed as Guardian Ad Litem for Plaintiffs on April 13, 2021 [DE ## 12, 13].
2. All parties agree: that they are properly represented and are properly before the court; that no questions exist as to misjoinder or nonjoinder of parties; and that the court has jurisdiction over the subject matter and the parties.
3. This case involves benefits under group accidental death and dismemberment (AD&D) policy issued to McLane Company, Inc. ("McLane") by LINA to fund basic and

voluntary benefits for accidental death and dismemberment under the Group Plan for Employees of McLane Company Inc. ("the Plan"). The Plan is an employee welfare benefit plan sponsored and maintained by McLane and governed by the Employee Retirement Income Security Act of 1974, as amended ("ERISA"), 29 U.S.C. § 1001, et seq. Minor Plaintiffs contend that they are owed benefits under Plan following the death of Christopher Bell.

4. Plaintiffs are not claiming personal injury or medical expenses in this action.
 5. The terms of the settlement proposed to the Court are as follows:
 - a. Defendant LINA will cause to be paid to Plaintiffs MT and NT through their guardian ad litem and parent, Shelley Tucker, the amount of SIXTY-SEVEN THOUSAND FIVE HUNDRED and NO/00 DOLLARS (\$67,500.00) in complete satisfaction and release of all of claims (asserted or unasserted) of MT and NT against LINA, McLane, or the Plan arising out of the events alleged in the Amended Complaint.
 - b. Plaintiffs' counsel has expended time and efforts into creating arguments, drafting pleadings, and negotiating with Defendant, including participating in mediation. Further, Plaintiff's counsel agreed to reduce his normal fee to 33% for this matter. According, such payment is approved.
 - c. Plaintiffs have agreed that they will dismiss this action with prejudice, and execute all necessary releases, settlement agreements, and dismissal required herein.
- NOW, UPON THE FOREGOING, IT IS HEREBY ORDERED:
- The proposed settlement between MT and NT, through their guardian ad litem Shelley Tucker and Life Insurance Company of North America, is hereby APPROVED and this case is dismissed with prejudice.

Minor Plaintiffs by and through:

SHELLEY TUCKER, Guardian and Guardian-Ad-Litem

Joseph P. Tunstall, III, Attorney for Plaintiffs

Gemma L. Saluta, Attorney for Defendant

SO ORDERED, this the 14 day of October, 2021.


TERRENCE W. BOYLE
United States District Judge